



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

August 19, 2014

Mr. Syed Murtuza
Director of Public Works
City of Burlingame
501 Primrose Road
Burlingame, CA 94010

Dear Mr. Murtuza:

**CITATION NO. 02-17-14C-014
TOTAL COLIFORM RULE MAXIMUM CONTAMINANT LEVEL VIOLATION
CITY OF BURLINGAME, WATER SYSTEM NO. 4110003**

Enclosed is a citation issued to the City of Burlingame (hereafter, Water System or City). The citation is issued as the Water System failed to comply with Section 64426.1(b)(1), Chapter 15, Title 22, California Code of Regulations (CCR). The total coliform maximum contaminant level was not met during July 2014.

The attached citation consists of seven sections: Applicable Authorities, Statement of Facts, Determination, Directives, Parties Bound, Severability and Further Enforcement Action. The Applicable Authorities, Statement of Facts and Determination sections describe the events leading up to the issuance of the citation. The Directives section specifies what the Water System needs to do to return to compliance. The Parties Bound, Severability and Further Enforcement Action sections describe administrative penalties to be assessed for failure to comply with the citation. No administrative penalty is levied with the current citation.

If you have any questions regarding this letter, please contact Jose P. Lozano IV, P.E. at (510) 620-3459 or me at (510) 620-3453.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Lacy".

Eric Lacy, P.E.
District Engineer
Santa Clara District
Division of Drinking Water
State Water Resources Control Board

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

850 Marina Bay Parkway, Bldg. P, 2nd Floor, Richmond, CA 94804-6403 | www.waterboards.ca.gov

Mr. Syed Murtuza

- 2 -

August 19, 2014

Enclosures: 1) Sample Notice (Attachment A)
2) Proof of Notification (Attachment B)

Certified Mail 7006 3450 0001 8420 8457

cc: San Mateo County Environmental Health Department (w/ encl.)

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bcc: File Server; 4110003\Enforcement\July 2014 TCR MCL citation; Enforcement File; Chron
(all w/ encl.)
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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: City of Burlingame
Water System No. 4110003
501 Primrose Road
Burlingame, CA 94010

ATTN: Mr. Syed Murtuza
Director of Public Works
Public Works Department

CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE 22,
SECTION 64426.1(b)(1) – WATER SYSTEM NO. 4110003

CITATION NO. 02-17-14C-014

Issued on August 19, 2014

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board, acting by and through its Division of Drinking Water (hereinafter "Division" or "DDW") and the Deputy Director for the Division (hereinafter



1 "Deputy Director"), hereby issues a citation to the City of Burlingame (hereinafter, "City" or
2 "Water System") (mailing address: 501 Primrose Road, Burlingame, CA 94010) for violation
3 of California Code of Regulations (CCR), Title 22, Section 64426.1 subsection (b)(1).
4
5

6 **APPLICABLE AUTHORITIES**

7 **Section 116650 of California Health and Safety Code provides:**
8

9 (a) If the department determines that a public water system is in violation of
10 this chapter or any regulation, permit, standard, citation, or order issued or adopted
11 thereunder, the department may issue a citation to the public water system. The citation shall
12 be served upon the public water system personally or by certified mail. Service shall be
13 deemed effective as of the date of personal service or the date of receipt of the certified mail.
14 If a person to whom a citation is directed refuses to accept delivery of the certified mail, the
15 date of service shall be deemed to be the date of mailing.

16 (b) Each citation shall be in writing and shall describe the nature of the
17 violation or violations, including a reference to the statutory provision, standard, order,
18 citation, permit, or regulation alleged to have been violated.

19 (c) A citation may specify a date for elimination or correction of the condition
20 constituting the violation.
21

22 (d) A citation may include the assessment of a penalty as specified in
23 subdivision (e).

24 (e) The department may assess a penalty in an amount not to exceed one
25 thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day
26 that a violation continues to occur. A separate penalty may be assessed for each violation.
27



1 California Code of Regulations, Title 22, Section 64426.1 subsection (b)(1) provides, in
2 relevant part:
3

4
5 A public water system, which collects at least 40 samples per month, is in violation of the
6 Total Coliform Maximum Contaminant Level (MCL) when more than 5.0 percent of the
7 samples collected during any month are total coliform-positive.
8

9 **STATEMENT OF FACTS**

10 The City is a community water system, located on the San Francisco Peninsula in San Mateo
11 County, which serves domestic water to an estimated population of 31,464 via 8,712 service
12 connections (2013 Annual Report to the Department). The water system provides water
13 service within the City limits and in the unincorporated Burlingame Hills, located at a higher
14 elevation west of the City. The water system also supplies potable water, primarily for
15 irrigation purposes, to the San Mateo County's Coyote Point Park, located southeast of the
16 City, along San Francisco Bay. Water supplied to the City is purchased from SFPUC, a
17 permitted water system. The City's water system consists of six purchased water turnouts,
18 seven storage tanks, two hydropneumatic pressure tanks and six booster pump stations to
19 supply water to a distribution system, which comprises ten pressure zones. The tanks have
20 a total capacity of approximately 2.96 million gallons (MG). Currently, the City collects a
21 minimum of ten samples per week on a rotational-basis from four 10-site sets, as specified in
22 the Department-approved bacteriological sampling plan.
23

24
25 On July 9, 2014, the Water System collected a routine sample, which tested "present" for
26 total coliform and "absent" for *E. coli*. One of three repeat samples, collected on July 11,
27 2014 tested "present" for total coliform and "absent" for *E. coli*. Three follow-up repeat



1 samples were then collected on July 13, 2014. All three follow-up repeat samples collected
2 on July 13, 2014 were negative for coliforms.

3
4 The Water System collected a routine sample on July 16, 2014, which tested "present" for
5 total coliform and "absent" for *E. coli*. Three repeat samples, collected on July 18, 2014,
6 were negative for coliforms.

7
8 With three of the 59 bacteriological water samples, or 5.1 percent, positive for total coliform,
9 the Water System is in violation of the total coliform MCL during July 2014.

10
11 The Water System notified the Division via e-mail on July 29, 2014 that it exceeded the total
12 coliform MCL by having more than five percent of the total bacteriological samples collected
13 in July 2014 positive for total coliform.

14 15 DETERMINATION

16 The Division has determined that the City failed to comply with the Total Coliform MCL during
17 July 2014. During July 2014, the Water System collected 59 routine and repeat samples, of
18 which of three samples, or 5.1 percent, were total coliform-positive and *E. coli*-negative.

19 20 DIRECTIVES

21 The City is hereby directed to take the following actions:

- 22
23 1) Forthwith, the City shall cease and desist from failing to comply with Subsection 64426.1
24 (b)(1), Chapter 15, Title 22, CCR immediately.



1 2) The City shall conduct public notification by September 24, 2014 for the total coliform
2 MCL violation in conformance with Section 64463.4, Chapter 15, Title 22, CCR. The
3 notification shall be performed in accordance with the following methods:

4 a. Method 1 – Notice by mail or direct delivery shall be given to each customer
5 receiving a bill including those that provide their drinking water to others (e.g.
6 schools or school systems, apartment building owners, or large private
7 employers), and other service connections to which water is delivered by the
8 water system; and

9 b. Method 2 – Use of one or more of the following methods to reach persons not
10 likely to be reached by a mailing or direct delivery (renters, university students,
11 nursing home patients, prison inmates, etc.):

12 1. Publication in a local newspaper;

13 2. Posting in conspicuous public places served by the water system, or
14 on the Internet; or

15 3. Delivery to community organization.
16

17 3) Submit a proposed notice to the Department for review and approval prior to distribution.
18 Attachment A is a sample notice that may be used.
19

20 4) Complete and return the enclosed Proof of Notification form (Attachment B) within seven
21 days of completion of the public notification. A copy of the notice(s) used shall be
22 attached to the Proof of Notification form.
23

24 5) Prepare a written Corrective Action Plan (CAP), based on your findings of the
25 investigation of the bacteriological contamination problem. The plan shall include an
26 evaluation of the causes that led to this incident, the follow-up actions taken to correct the
27



1 problem, and preventive measures to be taken to prevent the reoccurrence of
2 bacteriological contamination in the future. Submit the report to the Department by
3 September 24, 2014.
4
5

6 The Division reserves the right to make such modifications to this Citation as it may deem
7 necessary to protect public health and safety. Such modifications may be issued as
8 amendments to this Citation, and shall be deemed effective upon issuance.
9

10 Nothing in this Citation relieves the City of its obligation to meet the requirements of the
11 California Safe Drinking Water Act, or of any regulation, permit, standard, or order issued or
12 adopted thereunder.
13

14
15 All submittals required by this Citation shall be submitted to the Division at the following
16 address:
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19

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21 Mr. Eric Lacy, P.E., District Engineer
22 Santa Clara District
23 Division of Drinking Water
24 State Water Resources Control Board
25 850 Marina Bay Parkway, Building P, Second Floor
26 Richmond, CA 94804
27



PARTIES BOUND

This Citation shall apply to and be binding upon the City, its officers, directors, shareholders, agents, employees, contractors, successors, and assignees.

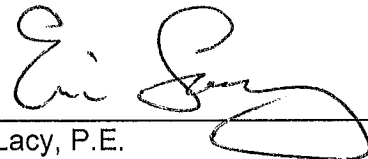
SEVERABILITY

The Directives of this Citation are severable, and the City shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Division to: issue citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any permit, regulation, permit or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Division to take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with an order of the Division; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with violates an order of the Division. The Division does not waive any further enforcement action by issuance of this citation.

August 19, 2014
Date


Eric Lacy, P.E.
District Engineer
Santa Clara District
Division of Drinking Water
State Water Resources Control Board



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Attachments
CERTIFIED MAIL # 7006 3450 0001 8420 8457
cc: San Mateo County Environmental Health Department (w/ attachments.)

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cc: San Mateo County Environmental Health Department (w/ attachments.)

bcc: File Server; 4110003\Enforcement\July 2014 TCR MCL citation; Enforcement File
Chron (all w/ attachments)
W4110003/140730.Cit

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

The City of Burlingame Has Levels of Coliform Bacteria Above the Drinking Water Standard

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. We took 59 samples for coliform bacteria during July 2014. Three (3) of those samples (or 5.1 percent of the total samples collected) showed the presence of coliform bacteria. The standard is that no more than 5.0 percent of our samples may do so.

What should I do?

- **You do not need to boil your water or take other corrective actions.**
- This is not an emergency. If it had been, you would have been notified immediately. Total coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*
- Usually, coliforms are a sign that there could be a problem with the treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing.** If we had, we would have notified you immediately. However, we are still finding coliforms in the drinking water.
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from U.S. EPA's Safe Drinking Water Hotline at 1(800) 426-4791.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

[Describe corrective action]. We will inform you when our sampling shows that no bacteria are present. We anticipate resolving the problem within [estimated time frame].

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by the City of Burlingame.

State Water System ID#: 4110003. Date distributed: _____.

PROOF OF NOTIFICATION

Citation Number 02-17-14C-014

City of Burlingame
System Number: 4110003

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by the City of Burlingame of the violations of Title 22, California Code of Regulations (CCR) for the compliance period of July 2014. I complied with the directives of this citation as indicated below:

Required Action

Date
Completed

Conduct Public Notification – (Attach copy of the notice(s) used.)

Submit Corrective Action Plan

Signature of Water System Representative

Date

<p>THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER RESOURCES CONTROL BOARD (SWRCB) DIVISION OF DRINKING WATER (DDW). A COPY OF THE <u>POSTED NOTICE</u> MUST BE ATTACHED TO THIS FORM.</p>

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached citation may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.